

Remarks

Claims 1-3, 5-12, 14 and 18-21 are currently pending in the present patent application. Claims 4, 13 and 15-17 have been previously cancelled without prejudice. Claims 1-2, 6, 12 and 19 have been amended.

Claim 12 was amended to recite that the hook “is structured to secure the rippler to the top plate of the deliverer with the hook located proximate to a pulley of the deliverer.” Support for this amendment made to claim 12 may be found, for example, in paragraph [0026] of the specification and FIG. 3. Specifically, paragraph [0026] of the specification indicates that the hook 70 is engaging the plate “adjacent” to the pulley 18 and FIG. 3 of the patent application shows the hook 70 engaging the plate “proximate” to pulley 18. No new matter is believed to have been entered by using the word “proximate” in claim 12.

Also, claim 12 was amended to recite that the “ripler is structured to be disposed between at least some of a set of vacuum belts.” Support for this amendment may be found, for example, in paragraph [0009] of the specification and allowable claim 1.

Additionally, claim 12 was amended to recite that rippling the paper is “structured to increase the rigidity of the paper and resist being bent upward.” Support for this amendment may be found, for example, in paragraphs [0021], [0027] and [0028] of the specification.

For the convenience of the patent examiner, Applicant will address the issues raised in the order presented in the Office Action dated March 20, 2007.

Detailed Action

1. Applicant was surprised by the withdrawal of the allowability of claims 12, 14, 18 and 20.

Claim Objections

2. Claim 1 was objected to because for certain informalities. In response, Applicant has amended claim 1 in accordance with the suggestion provided by the patent examiner. Reconsideration and withdrawal of the claim objection to claim 1 is requested.

Claim Rejections – 35 USC § 112

3. Claims 2, 6, 8-11, 19 and 21 have been rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, claims 2, 6 and 19 have been

amended to address the alleged indefiniteness and lack of clarity issues. Reconsideration and withdrawal of the rejection under 35 USC § 112, second paragraph is requested.

Claim Rejections – 35 USC § 102

4. Claims 12 and 14 were rejected under 35 USC § 102(b) as being anticipated by U.S. Pat. No. 5,566,933 (Salancy). To anticipate a claim under 35 USC § 102(b), the Salancy reference must disclose each and every element of the claim. MPEP 2131. With regard to the claimed subject matter of this particular patent application, Salancy does not.

The Salancy apparatus is a document registration apparatus. The Salancy rippler 222 has hooks 226 that secure the rippler 222 to the deck plate 224. See, column 4, lines 45-47 and FIG. 1 of Salancy. The Salancy hooks 226 are located far away from or distant from a pulley. See FIG. 1 of Salancy. The Salancy rippler 222 has belts 11A, 11B that are supported by the rippler 222. See column 4, lines 45-47 and FIG. 1 of Salancy. Salancy does not indicate that the belts 11A, 11B are vacuum belts. The Salancy apparatus stops documents 12 and aligns the documents 12 at a registration position 16. See, column 4, lines 1-10 and FIG. 1 of Salancy.

The 35 USC §102(b) rejection of claims 12 and 14 should be withdrawn because **the Salancy hooks 226 are not structured to secure the rippler to the top plate of the deliverer with the hook located proximate to a pulley of the deliverer as is recited in claim 12.** As used in claim 12, the word, “proximate” encompasses the ordinary dictionary meaning of very near as is shown in FIG. 3 of the patent application. Salancy does not show the hooks 226 located proximate or very near to a pulley as is recited in claim 12. Rather, the Salancy hooks 226 are located far away from or distant from a pulley. See FIG. 1 of Salancy. Also, the objected to clause, namely, “for securing the rippler to the top plate of the deliverer” has been amended to delete the alleged “intended use” language and insert functional language. The functional language inserted into claim 12 is to be given patentable weight. See MPEP 2173.05(g). In view of the foregoing, claims 12 and 14 are considered allowable. Reconsideration and withdrawal of the rejection to claims 12 and 14 under 35 USC § 102(b) is requested.

The 35 USC §102(b) rejection of claims 12 and 14 should also be withdrawn because **the Salancy rippler 222 is not structured to be disposed between at least some of a set of vacuum belts as is recited in claim 12.** The Salancy rippler 222 has belts 11A, 11B that are supported by the rippler 222. The Salancy rippler 222 is not structured to be disposed between at

least some of a set of vacuum belts because the belts 11A, 11B are supported by belt supporting surface 230. See column 4, lines 45-47, column 4, lines 52-55 and FIG. 1 of Salancy. Salancy does not indicate that the belts 11A, 11B are vacuum belts. The patent examiner admits that Salancy does not specifically show a set of vacuum belts. See page 5, lines 5-6 of the Office Action dated March 20, 2007. In view of the foregoing, claims 12 and 14 are considered allowable. Reconsideration and withdrawal of the rejection to claims 12 and 14 under 35 USC § 102(b) is requested.

The 35 USC §102(b) rejection of claims 12 and 14 should additionally be withdrawn because **the Salancy apparatus is not structured to increase the rigidity of the paper and resist being bent upward as is recited in claim 12.** Rather, the Salancy apparatus stops documents 12 and aligns the documents 12 at a registration position 16. See, column 4, lines 1-10 and FIG. 1 of Salancy. The Salancy apparatus does not state that rippling paper increases the rigidity of the paper and resists the paper from being bent upward as is recited in claim 12. In view of the foregoing, claims 12 and 14 are considered allowable. Reconsideration and withdrawal of the rejection to claims 12 and 14 under 35 USC § 102(b) is requested.

Claim Rejections – 35 USC § 103

5. Claims 18 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Salancy as applied to claim 12 above, and further in view of the numbered paragraphs [0003] and [0004] of the patent application. MPEP 2142 states that three criteria must be met to establish a prima facie case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference or references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

The 35 USC §103(a) rejection should be withdrawn because Salancy or Salancy and numbered paragraphs [0003] and [0004] of the patent application when combined do not teach or suggest all the claim recitations of claim 12. With regard to Salancy, it does not meet the recitations of claim 12 for the reasons provided above with regard to the rejection of claim 12

under 35 USC §102(b). Those reasons are incorporated by reference into this section as if fully set forth herein.

With regard to the combination of Salancy and numbered paragraphs [0003] and [0004] of the patent application, the combination does not meet the claim recitations of claim 12 because numbered paragraphs [0003] and [0004], like Salancy, do not disclose the use of a hook that is structured to secure a rippler to a top plate of a deliverer with the hook located proximate to a pulley of the deliverer as is recited in claim 12. Also, numbered paragraphs [0003] and [0004], like Salancy, do not disclose a rippler that is structured to be disposed between at least some of a set of vacuum belts as is recited in claim 12. Additionally, numbered paragraphs [0003] and [0004], like Salancy, do not disclose a structure for developing a ripple in paper in order to increase the rigidity of the paper and resist being bent upward as is recited in claim 12. In view of the foregoing, claims 18 and 20 are considered allowable. Reconsideration and withdrawal of the rejection to claims 18 and 20 under 35 USC § 103(a) is requested.

Response to Arguments

6. No response is necessary.

Allowable Subject Matter

7. Claims 1, 3, 5 and 7 would be allowable if rewritten to overcome the objection to claim 1 outlined above. In response, claim 1 has been amended. Claims 2, 6, 8-11, 19 and 21 would be allowable if rewritten to overcome the rejection under 35 USC § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. In response, claims 2, 6 and 19 have been amended to address the alleged indefiniteness and lack of clarity issues. Allowance of claims 1-3, 5-7 and 19 is acknowledged.

Conclusion

It is respectfully submitted that the present application is in condition for allowance. If the patent examiner would like to suggest changes of a formal nature to place this application in better condition for allowance, a telephone call to Applicant's undersigned attorney would be appreciated.

Respectfully submitted,

A handwritten signature in black ink, reading "David P. Maivald". The signature is written in a cursive, flowing style.

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